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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,261	03/22/1999	TAKUMA HATTORI	755-TM546	6894

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EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/273,261

Applicant(s)

Hattori et al.

Examiner

Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 28, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other

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Response to Arguments

Applicant's arguments dated 11/28/2001 has been received and entered.

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami, JP 63-276540.

The above claims are anticipated by Murakami's figure 1 which disclose an attachment film comprising:

- a transparent substrate (1);
- an adhesive layer (3) containing powder dispersed (e.g. 3);

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540

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Murakami disclose the claimed invention as described above except for the adhesive layer containing a coloring pigment (e.g, red and blue). One of ordinary skill in the art would have realized the desire to use an adhesive layer contains a coloring pigment different from the carbon black for adjusting colors different from black, e.g. blue or red. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ red or blue pigment in the adhesive film because it is a common practice in the art for adjusting color display in a display device.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Kawazu et al., US Patent No. 5,876,854.

Regarding claims 5-6, Murakami, as applied in prior rejection, disclose all claimed subject matter except the attachment film being colored in neutral gray. Kawazu et al. disclose the attachment film being colored in neutral gray. The a-value and b-value of neutral gray which are within ± 5 each when measured with a color different meter to reduce the dazzle caused by reflection and in order to assure correct color of displayed image (column 3 lines 15-34).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make attachment film having color in neutral gray; and neutral gray having an a-value and b-value are within ± 5 to reduce the dazzle caused by reflection and in order to assure correct color of displayed image.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477.

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Regarding claim 7, Murakami disclose the claimed invention as described above except for a diameter and a BET specific surface area of the carbon black particle. Baker et al. do disclose carbon black in the adhesive layer being an average particle diameter from 1 to 100 nm, and a specific surface area of from 30 to 1,500 m²/g. Thus, such disclosed range in Baker et al. makes possible the claimed range and overlapping ranges are at least obvious. See In re Malagari, 499 Fed.2d 1297, 182 USPQ 549 CCPA 1974.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Conforti et al., US Patent No. 5,620,819 and Ueda et al., US Patent No. 5,968,244.

Regarding claim 8, Murakami, JP 63-276540, as applied in prior rejection, disclose all claimed subject matter except adhesive layer containing an acrylic adhesive having a carboxyl group and/or a hydroxyl group and the carbon black is an acidic carbon black. Conforti et al. disclose an adhesive layer (18) having a carboxyl groups to develop rapidly substantial precuring and pre-curing adhesion (column 16 lines 54-59). Ueda et al. disclose a carbon black being an acidic carbon black to produce excellent dispersibility in water by increasing the surface area and having chemical properties akin to water-soluble dyes (column 2 lines 52-58). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make adhesive layer containing an acrylic adhesive having a hydroxyl group or carboxyl group to develop rapidly substantial precuring and pre-curing adhesion. Also, it is

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known that carbon black is acidic to produce excellent dispersibility in water by increasing the surface area and having chemical properties akin to water-soluble dyes.

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Urano et al., US Patent No. 5,800,952.

Regarding claims 9-10, Murakami, as applied in prior rejection, disclose all claimed subject matter except that the adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator. The adhesive layer contains a (meth) acrylate resin as an adhesive and a (meth) acrylate monomer or oligomer as photopolymerizable compound. Urano et al. disclose the adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator to improve the developability, the sensitivity, the image-reproducing property and the adhesive property. The organic binder polymer material may, for example, be an alkyl ester which may have a substituent, of (meth) acrylate) and alkali-solute polymer comprising a monomer having (meth) acrylic acid monomer or photopolymerizable compound to develop with alkali aqueous solution but not with organic solvent (column 2 lines 12-41 and Column 7 lines 17-36). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have adhesive layer containing a photopolymerizable compound, a photo polymerization initiator, (meth) acrylate resin to improve the developability, the sensitivity, the image-reproducing property and the adhesive property.

9. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Komiyama et al., US Patent No.5,356,949.

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Regarding the above claims, Murakami, as applied in prior rejection, disclose all claimed subject matter except that the adhesive layer contains an acrylic adhesive having a carboxyl group and/or hydroxyl group and the carbon black is an acidic carbon black. The adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator. The adhesive layer contains a (meth)acrylate resin as an adhesive and a (meth)acrylate monomer or oligomer as the photopolymerizable compound. Komiyama et al. disclose an adhesive layer contains an acrylic adhesive i.e. epoxy acrylate, polyester acrylate, (meth)acrylic acid, epoxy acrylate etc... having carboxyl group and hydroxyl group (col. 3, line 19-col.4, line 42).

Komiyama et al. also disclose an adhesive layer contains a photopolymerizable compound and a photo polymerization initiator; a (meth)acrylate resin as an adhesive (Abstract, col. 3, line 19-col.7, line 41). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the adhesive layer contains an acrylic adhesive, a photopolymerizable compound, a photopolymerizable initiator etc... for the benefits of improving the developability, the sensitivity, the image-reproducing property and the adhesive property.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Aoyama et al., US Patent No.6,147,732.

Murakami, as applied in prior rejection, disclose all claimed subject matter except for a hard coating layer and an anti-reflecting layer being consecutively formed on the other surface of a transparent substrate. Aoyama et al. disclose in Fig. 38 that the adhesive layer (12) is formed on one surface of a transparent substrate (25) and a hard coating layer (10) and an anti-reflecting

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layer (15) are consecutively formed on the other surface of the transparent substrate. It is noted that the materials of hard coating layer (10) of Aoyama et al. (col. 7, lines 26-34) are the same materials as those of applicant (page 7 of specification, lines 4-6, i.e. acrylic resin). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ adhesive layer being formed on one surface of a transparent substrate.

Furthermore, a hard coating layer and an anti-reflecting layer being consecutively formed on the other surface of the transparent substrate, for the ease to see the display image.

Response to Arguments

Regarding claim 7, Baker et al. do disclose carbon black in the adhesive layer (i.e. sticky polymers). In other words, such process in the baker et al. can be used as an adhesive layer, so as such disclosed range in the Baker et al. reference makes possible the claimed range and overlapping ranges are at least obvious.

Regarding claim 8, the first adhesive layer in Conforti et al. do have an adhesive property. In addition, Ueda et al., as admitted by Applicant, do disclose the added carbon black for the purpose of improving the affinity of the carbon black itself. Therefore, it would have obvious to modify the Murakami's laminate by teaching from Conforti et al.

In brief, Applicant's arguments with respect to Baker et al., Conforti et al. and Ueda et al. have been fully considered but they are not persuasive.

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Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.


TOANTON
PRIMARY EXAMINER

DN
02/11/2002